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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1445 OF 2003

Petitioner : N.L. Pachbiye, S/o S.R. Pachbiye, aged about 45 years, Block Education Officer, Block Narharpur, Distt. Kanker, R/o Quarter No. 11, Block Colony, Narharpur, Distt. Kanker (CG).

Versus

Respondents :
1. State of Chhattisgarh through the Secretary, Department of SC/ST Backward Class & Minority Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Deputy Secretary, State of Chhattisgarh, SC/ST Backward Class & Minority Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
3. Shri M.L. Dhruv, Chief Executive Officer, Janpad Panchayat, Narharpur, Distt. Kanker (CG)

Shri K. Shakeel, learned counsel for the petitioner.
Shri Pankaj Shrivastava, learned Panel Lawyer for State/respondents No. 1 & 2.
None for respondent No. 3.

ORAL ORDER

(3rd February, 2006)

The petitioner has challenged the impugned order dated 24.4.2003 vide Annexure P-9 whereby the petitioner has been transferred as Block Education Officer, Narharpur, Distt. Kanker to the post of Principal, High School, Bagodar, Distt. Kanker on administrative ground.

2. The petitioner has filed this petition on the ground of frequent transfers as many as 4 transfers within a period of 9 months. This Court, by order dated 5.5.2003 has granted interim order to the effect that the petitioner would continue on the same place of posting. Complaint of the petitioner that he was transferred frequently, has come to an end, the day interim order was passed by this Court. By virtue of interim order dated 5.5.2003, the petitioner continued on the same place for about 3 years. At this stage, it is not necessary to go into the validity of the impugned transfer order dated 24.4.2003 because the petitioner has got final relief in the interim order itself. It is well established principle of law that transfer is an

incident of service and it is for the employer to post an employee at a particular place in public interest and in administrative exigency. The employer cannot be restrained from not exercising his power of posting of the employees. Since the petitioner has got final relief, this petition has become infructuous. In the facts of the case, the respondents/authorities are directed not to insist on compliance of the impugned transfer order.

3. Accordingly, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Priya